

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO. 7:11-CR-15-BO-1

ROBERT THAMES,)
Petitioner,)
)
v.) ORDER
)
UNITED STATES OF AMERICA,)
Respondent.)

This cause comes before the Court on petitioner's motion [DE 70]. For the following reasons, petitioner's motion is denied.

On April 18, 2011, petitioner pleaded guilty, pursuant to a written plea agreement, to two counts of being a felon in possession of a firearm and ammunition in violation of 18 U.S.C. §§ 922 and 924. [DE 22, 23]. On August 4, 2011, the Court sentenced petitioner to 240 months' imprisonment. [DE 33 at 1–2]. Petitioner appealed his sentence, and the Fourth Circuit affirmed in an unpublished opinion issued on March 30, 2012. *Id.* Petitioner filed a petition for writ of certiorari with the Supreme Court which denied the petition on October 1, 2012. *Thames v. United States*, 133 S. Ct. 284, No. 12-5051 (2012). Petitioner filed a motion to vacate, amend or correct sentence on November 5, 2013, which was dismissed by this Court on February 4, 2014 [DE 55].

In the instant motion, petitioner lists several recent Supreme Court decisions and asks this Court whether they would affect his case. Petitioner's motion must be denied because he is asking the Court to issue an advisory opinion, which it cannot do. Article III of the United States Constitution prohibits federal courts from issuing advisory opinions. U.S. Const. Art III § 2; *Golden v. Zwickler*, 394 U.S. 103, 108 (1969); *Thomas v. United States*, 2012 WL 786493 (D.

Md. March 7, 2012); *see also United States v. Asakevich*, 810 F.3d 418 (6th Cir. 2016). For that reason, petitioner's motion is denied.

SO ORDERED.

This the 27 day of August, 2018.

Terrence Boyle
TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE